

United States District Court

Southern DISTRICT OF California

2008 JAN 22 AM 11:52

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

In the Matter of the Search of
(Name, address or brief description of person or property to
Express Mail parcel # EB 788080985 addressed to Carlos
Rodriguez, P.O. Box 486, Toabaja, Puerto Rico
00951-0486 from Miguel Rodriguez, 1451 F Street,
San Diego, CA.

BY Paul DEPUTY

APPLICATION AND AFFIDAVIT

FOR SEARCH WARRANT

CASE NUMBER:

08 MJ 0194

I, Kim A. Kelly

being duly sworn depose and say:

I am a(n) U. S. Postal Inspector
Official Title

and have reason to believe

that on the premises known as (name, description and/or location)

Express Mail parcel #EB 788080985 addressed to Carlos Rodriguez, P.O. Box 486, Toabaja, Puerto Rico 00951-0486 from Miguel Rodriguez, 1451 F Street, San Diego, CA

in the Southern District of California

there is now concealed property, namely (describe the person or property)

Controlled substances, materials, and documents reflecting the distribution of controlled substances through the United States Mail, including money paid for controlled substances, in violation of Title 21, United States Code, Sections 841(a)(1), 843(b) and 846

which is (give alleged grounds for search and seizure under Rule 41(b) of the Federal Rules of Criminal Procedure)
evidence and contraband

in violation of Title 21 United States Code, Section(s) 841(a)(1), 843(b) and 846.

The facts to support the issuance of a Search Warrant are as follows:

See attached.

Continued on the attached sheet and made a part hereof.

☒ Yes ☐ No

Signature of Affiant

Sworn to before me, and subscribed in my presence

Date

1-16-08

at San Diego, CA
City and State

NITA L. STORMES
U.S. MAGISTRATE JUDGE
U.S. Magistrate Judge
Name and Title of Judicial Officer

Signature of Judicial Officer

AFFIDAVIT FOR SEARCH WARRANT

I, Kim Kelly, being duly sworn hereby depose and state:

1. I am a United States Postal Inspector currently assigned to the San Diego Field Office of the Postal Inspection Service and my duties include investigating crimes against the U.S. Postal Service and the use of the mail including violations of the Drug Abuse Prevention and Control Act.
2. This affidavit is submitted in support of an application for a search warrant for the following: Express Mail parcels: EB 788080994, which weighs 24.7 pounds, and EB 788080985, which weighs 17.9 pounds. Both parcels are addressed to Carlos Rodriguez, P.O. Box 486, Toabaja, Puerto Rico 00951-0486 from Miguel Rodriguez, 1451 F Street, San Diego, CA .
3. I have been a federal agent for 17 years and employed as a Postal Inspector since July 2007. From Sep 87-93, while employed with the Naval Criminal Investigative Service, I was assigned to investigate narcotics violations.
4. In July 2007, I received specialized training from the U.S. Postal Inspection Service in the following two areas; Investigations involving the use of the U.S. Mails to transport controlled substances and proceeds from the sale of controlled substances; and investigations involving the use of Postal Money Orders and other negotiable instruments to launder the proceeds of controlled substances transactions.
5. Based upon my overall experience, specialized training and discussions with other Postal Inspectors and narcotics agents, I know the following in summary:
 - a. Individuals who regularly handle controlled substances can leave the scent of controlled substances on the currency and other items they handle. Proceeds from these sales are

1 often stored in close proximity to the controlled substances, thereby transferring the odor
2 of the controlled substance to the monies and packaging materials. Narcotic canines are
3 trained to alert on the scents of controlled substances. My experience has shown that
4 occasionally a canine will not immediately alert to the presence of contraband or
5 controlled substance. This may occur for a variety of reasons including the packaging
6 and additional efforts by the sender to mask the scent of a controlled substance. Often
7 the masking agent's scent weakens over time. As a result, a canine may not initially alert
8 to a package they may alert to after a reasonable passage of time.

10 b. The Postal Inspection Service and DEA Narcotic Task Force Commercial Interdiction
11 Team have worked aggressively to limit the use of shipping companies and the U.S. Mail
12 for the transportation of controlled substance through these companies.

14 c. Ongoing investigations have disclosed that Express (overnight) and Priority (two day)
15 parcel deliveries have become a method of choice by drug dealers for the transportation
16 of contraband or the proceeds of narcotic sales.

18 d. I know that Southern California is a source region for controlled substances being mailed
19 throughout the United States. The proceeds from these narcotic transactions are then
20 transported via the U.S. Mails and other communication facilities back to Southern
21 California, the source of the controlled substances.

22 e. Drug dealers prefer the U.S. Mail, (but will sometimes utilize commercial shipping
23 companies), specifically Express Mail or Priority Mail, for the narcotic or narcotic
24 proceeds transportation for various reasons, some of which are listed below:

- 26 1. Items sent via Express Mail or Priority Mail are considered to be first-class mail,
27 therefore, cannot be examined without a Federal Search Warrant.
- 28 2. Express Mail is usually requested to be delivered by the next day's mail.

3. Priority Mail is usually requested to be delivered within two days of mailing.
 4. Dispatch times for Express Mail are specific and are controllable by the mailer/shipper.
 5. Any delay to the mail is an indication to the mailer the mail items have been possibly compromised by law enforcement agencies to obtain a search warrant.
 6. While it is not always the case that a delay of Express Mail or Priority Mail is for law enforcement purposes, those involved in illegal transactions have found that the odds are against delays in deliveries of Express Mail or Priority Mail by United States Postal Service.
 7. Express Mail and Priority Mail may weigh up to 70 pounds and is desired for large volume shipments.
- f. Businesses are more likely to use Express Mail and Priority Mail than First-class Mail in the course of normal business and will often use an Express Mail Corporate Account Number for the billing of the mailed articles.
- g. Criminals who are involved in trafficking of controlled substances and drug proceeds will often receive multiple Express Mail articles within a short time period of each other.
- h. Criminals who are involved in trafficking of controlled substances and drug proceeds will often use multiple Post Office Boxes, Commercial Receiving Agencies, addresses in foreign countries, and legitimate names and addresses of persons other than their own, or occupants at the residence, in order to receive controlled substances and/or proceeds/monetary instruments at their residence under names and residences other than their own to avoid suspicion and in an effort to conceal their true identities and place of residence.

1 i. I also know that drug orders containing currency, checks or money orders sometimes
2 do not contain the presence of controlled substances because persons involved in
3 shipping often utilize packing methods and sanitation procedures to conceal the odor
4 or controlled substances.

5
6 j. I also know from talking to U.S. Postal Service Supervisors and employees
7 responsible for handling the mail that Express Mail is insured for up to \$100 in case
8 of loss or damage. Insurance for Priority Mail may be purchased at an additional fee.
9 Customers are discouraged from sending U.S. currency via the U.S. Mails and are
10 encouraged to purchase negotiable instruments as a means to send currency by the
11 U.S. Postal Service.
12

13 6. The information in this affidavit is based upon information I have gained from my investigation,
14 my personal observations, my training and experience as well as information related to me by
15 other Postal Inspectors and law enforcement officers. Since this affidavit is being submitted for
16 the limited purpose of securing a search warrant, I have not included each and every fact known
17 to me concerning this investigation.
18

19 7. On January 15, 2008, during routine interdiction activities at the Midway Processing and
20 Distribution Facility (P&DF) in San Diego, California, Postal Inspectors became aware of two
21 suspicious Express Mail parcels that are the subject of this affidavit. The parcels were retrieved
22 for further investigation.
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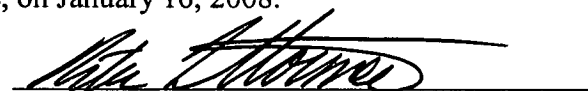
24 8. I became suspicious of the Express Mail parcels for the following reasons: the label was
25 handwritten as opposed to typewritten; there were no telephone numbers listed on the label;
26 database checks determined the sender's address was incomplete and the name Miguel
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9. Rodriguez was not associated with that address; additional database checks determined although the recipient's address (post office box) is complete, Carlos Rodriguez was not associated with that address.
10. On January 15, 2007, a Knock and Talk was conducted at Unit A. 1451 F Street, San Diego, CA is an apartment building with four units, A-D. A female who identified herself as Lourdes Naranjo stated her daughters' names are Lourdes and Cynthia Rodriguez but that there is not a Miguel Rodriguez associated with her family. Lourdes Naranjo provided the cellular telephone number of Cynthia Rodriguez but did not have her address. Database inquiries as well as Lourdes Naranjo confirmed there is no Miguel Rodriguez living in Units B- D.
11. On January 16, 2008, I met with Canine Enforcement Officer (CEO) Stuart Hersey, Customs and Border Protection, and his trained narcotic detection canine, Dada, at the San Diego, California, Port of Entry. CEO Hersey and Dada conducted an exterior inspection of the subject parcels. When Dada examined the parcels described above, CEO Hersey advised that Dada did alert to the presence of the odor of controlled substances in both parcels. The qualifications of canine Dada are contained in attachment A.
12. Based on the facts set forth in this affidavit, I submit that there is probable cause to believe controlled substances, notes and/or currency from the illegal sale and mailing of controlled substances is being concealed in the subject parcels as described above and seek the issuance of a search warrant directing the search of the article as described above and the seizure of the

1 13. article, any controlled substances, currency, and/or materials and documents reflecting the
2 distribution of controlled substances, all in violation of Title 21, United States Code, Sections
3 841(a)(1), 843(b), and 846.
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6 Kim Kelly
7 Postal Inspector

8 Sworn to before me, and subscribed in my presence, on January 16, 2008.
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11 U. S. Magistrate Judge
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Attachment (A)

JUN 26 2007

U.S. Department of Homeland Security
Washington, DC 20229U.S. Customs and
Border ProtectionTO : DIRECTOR, FIELD OPERATIONS
SAN DIEGOFROM: Executive Director *[Signature]*
Cargo and Conveyance Security

SUBJECT: Certification of Narcotics Detection Capability

The following canine enforcement team(s) assigned to the San Ysidro, California Port of Entry is (are) certified in the detection of heroin, cocaine, marijuana, methamphetamine, ecstasy, and hashish. These detector dogs are the property of U.S. Customs and Border Protection.

<u>Dog/Brand #</u>	<u>CBP Officer</u>	<u>Certification Reference #</u>
Aires CF-81	CBPO Cove	NN-0705-01
Henry CF-26	CBPO Lawson	NN-0705-02
Ringo CF-07	CBPO Bianchi	NN-0705-03
Rex CF-51	CBPO Outlaw	NN-0705-04
Panther IN-08	CBPO Castilla	NN-0705-05
Rojos CE-84	CBPO Moore	NN-0705-06
Dada IN-10	CBPO Hersey	NN-0705-07
Alpha CE-86	CBPO Tapley	NN-0705-08
Tigo CF-90	CBPO Schneider	NN-0705-09
Twister CF-29	CBPO Sloat	NN-0705-10
Buro CF-49	CBPO Schultz	NN-0705-11
United U-03	CBPO Delgado	NN-0705-12
Misco CF-93	CBPO Blanchard	NN-0705-13
Cono CE-03	CBPO Brown	NN-0705-14
Arras CB-21	CBPO Burford	NN-0705-15
Fargo CB-18	CBPO Fernandez	NN-0705-16
Pepper CE-82	CBPO Gibbs	NN-0705-17
Lasso CF-56	CBPO Gutierrez	NN-0705-18
Uno U-01	CBPO Hernandez	NN-0705-19
Cajun CF-27	CBPO Hill	NN-0705-20
Balu CE-07	CBPO Holloway	NN-0705-21
Hex CE-83	CBPO Jones	NN-0705-22
Gus G-01	CBPO Leslie	NN-0705-23
Sonni IN-09	CBPO Martinez	NN-0705-24
Gus CA-89	CBPO McCreary	NN-0705-25
Charon CA-09	CBPO McDaniel	NN-0705-26
Nero CE-30	CBPO Mitchell	NN-0705-27
Aldo CE-55	CBPO Orey	NN-0705-28

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UFO

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0003/003

<u>Dog/Brand #</u>	<u>CBP Officer</u>	<u>Certification Reference #</u>
Vito V-07	CBPO Petrach	NN-0705-29
Tex CF-54	CBPO Phillips	NN-0705-30
Valor V-05	CBPO Randall	NN-0705-31
Sherra CF-50	CBPO Reynoso	NN-0705-32
Cuervo CE-48	CBPO Rocha	NN-0705-33
Molly M-09	CBPO Rubio	NN-0705-34
Dingo CE-49	CBPO Santiago	NN-0705-35
Tono CF-03	CBPO Schmitz	NN-0705-36
Bojar CE-61	CBPO Smith	NN-0705-37
Echo CF-09	CBPO Smithson	NN-0705-38
Lisa CC-13	CBPO Stoddard	NN-0705-39
Sita CD-60	CBPO Sugawa	NN-0705-40
Lazer CC-40	CBPO Williams	NN-0705-41
Kazan IN-05	CBPO Worley	NN-0705-42
Bruno CF-83	CBPO Carpenter	NN-0705-43
Winnie CF-80	CBPO Everett	NN-0705-44
Niko CF-82	CBPO Pagan	NN-0705-45

The above dog (s) are reliable in the detection of the substances indicated and can also be expected to detect other dangerous drugs due to chemical processing similarities. It is recommended that these teams be routinely used in all work environments.

This memorandum is a record that the identified canine enforcement teams have successfully passed all the CBP canine narcotic detection training tests by a level that well exceeds the preponderance of the evidence standard used in judicial proceedings. This document may be released in criminal discovery proceedings.

If any further assistance or information is required, please have a member of your staff contact Mr. Steven C. Goldfarb, Program Manager, Canine Enforcement Program at (202) 344-3969.